

Lawrence J Riccio  
104 Freedom Trail  
New Castle, DE 19720

IN THE UNITED STATES DISTRICT COURT  
DELAWARE

LAWRENCE J. RICCIO : CIVIL ACTION  
104 Freedom Trail :  
New Castle, DE 19720 :  
V.  
UNITED STATES OF AMERICA :  
and  
THE UNITED STATES DEPT. OF : NO. 06-722  
VETERANS' AFFAIRS :  
and  
THE NAVAL INSPECTOR GENERAL :

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2006 NOV 30 PM 4:42  
FEDERAL DISTRICT COURT  
DISTRICT OF DELAWARE

COMPLAINT

JURISDICTION

1. This action is brought under the Federal Tort Claims Act of 1948, as amended, 60 Stat. 842, 28 USCA, ¶ 1346(b), 2671 et seq.

2. On or about September 21, 2001, Mr. Lawrence J. Riccio, a retired Naval Master Chief reported to the VA Medical Center, Wilmington, Delaware, wherein he presented with symptoms of a stroke.

3. At the emergency room of the U.S. medical facility, Mr. Riccio was advised that he had suffered a transient vascular accident and that he should go home and take 2 aspirin.

4. Following the advice of the doctors at the VA Hospital, without the benefit of any testing, Mr. Riccio returned home and took the aspirin as prescribed.

5. The following day, Mr. Riccio was rushed to the hospital having suffered major stroke because of the failure to properly diagnose and treat his condition by the employees of the United States Government in their medical facility at the VA Hospital.

6. Subsequent thereto, while plaintiff was hospitalized in defendants' VA Hospital in Wilmington, Delaware, defendant, its agents, servants and/or employees failed to provide proper medical and rehabilitative care to him.

7. As a result of the negligence of the defendant, its agents servants and/or employees, Plaintiff suffered a massive stroke which has left him partially paralyzed, with the inability to properly speak, and has rendered him virtually helpless. He has suffered great pain of body and mind, has incurred medical expenses and hospitalizations in excess of \$150,000.

WHEREFORE, plaintiff demands judgment against defendants in a sum in excess of \$150,000 plus costs and attorney's fees.



Lawrence J. Riccio

PRO SE

21 Nov 06

DATE

**CIVIL COVER SHEET**

The US44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**IV. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE  
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

This action is brought under the Federal Tort Claims Act of 1948, as amended, 60 Stat. 842, 28 USCA, § 1346(b), 2671 et seq.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	PERSONAL INJURY	810 Agriculture	400 State Reapportionment
120 Marine	310 Airplane	362 Personal Injury-Med Malpractice	620 Food & Drug	410 Antitrust
130 Miller Act	315 Airplane Product Liability	365 Personal Injury-Product Liability	630 Liquor Laws	430 Banks and Banking
140 Negotiable Instrument	320 Assault, Libel & Slander	358 Asbestos Personal Injury Product Liability	640 RR & Truck	450 Commerce/ICC Rates/etc.
150 Recovery of Overpayment & Enforcement of Judgment	330 Federal Employers Liability	PERSONAL PROPERTY	650 Airline Regs	460 Deportation
151 Medicare Act	340 Marine Liability	370 Other Fraud	660 Occupational Safety/Health	470 Racketeer Influenced and Corrupt Organizations
152 Recovery of Delinquent Student Loans (excl. Veterans)	345 Marine Product Liability	371 Truth in Lending	690 Other	810 Selective Service
153 Recovery of Overpayment of Veterans Benefits	350 Motor Vehicle	380 Other Personal Property Damage	820 Copyrights	850 Securities/Commodities/Exchange
180 Stockholders Suits	355 Motor Vehicle Product Liability	385 Property Damage	830 Patent	
190 Other Contracts	360 Other Personal Injury	Product Liability	840 Trademark	
195 Contract Product Liability				
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
210 Land Condemnation	441 Voting	510 Motions to Vacate Sentence	710 Fair Labor Standards Act	875 Customer Challenge
220 Foreclosure	442 Employment	750 Other Labor Litigation	720 Labor/Mgmt. Relations	12 USC 3410
230 Rent Lease & Ejectment	443 Housing/ Accommodations	820 Hobbes Corpus	730 Labor/Mgmt. Reporting & Disclosure Act	891 Agricultural Acts
240 Torts to Land	444 Welfare	840 Mandamus & Other	740 Railway Labor Act	892 Economic Stabilization Act
245 Tort Product Liability	340 Other Civil Rights	950 Civil Rights	861 SSI/ Title XVI	893 Environmental Matters
250 All Other Real Property			865 RSI (405(g))	894 Energy Allocation Act
				895 Freedom of Information Act
				900 Appeal of Fee Determination Under Equal Access to Justice
				950 Constitutionality of State Statutes
				890 Other Statutory Actions

**V. ORIGIN (PLACE AN X IN ONE BOX ONLY)**

1 Original Proceeding       2 Removed from State Court       3 Remanded from Appellate Court       4 Reinstated or Reopened       5 Transferred from another district (specify)       6 Multidistrict Litigation       7 Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$  
Excess of  
\$50,000

Check YES only if demanded in complaint:  
**JURY DEMAND:**  YES  NO

**VIII. RELATED CASE(S) (See instructions):**  
**IF ANY:      NONE**

JUDGE HORN

**DOCKET NUMBER**

DATE

DATE 21 Nov. 2004

SIGNATURE OF ATTORNEY OF RECORD

LAWRENCE J Ricco LL. B. (1955) J. D. (1960)

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 06-722-2

**ACKNOWLEDGMENT**  
**OF RECEIPT FOR AO FORM 85**

**NOTICE OF AVAILABILITY OF A**  
**UNITED STATES MAGISTRATE JUDGE**  
**TO EXERCISE JURISDICTION**

I HEREBY ACKNOWLEDGE RECEIPT OF 4 COPIES OF AO FORM 85.

11-30-06

(Date forms issued)

(Signature of Party or their Representative)

Kathleen M. Pawley  
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action